

CASE SUMMARY**CASE NO. C-1612-22-G**

Juan R. Villegas
 VS.
 Armando Gonzalez, Transportes Rolesa, SA de CV, Rolesa
 Transport, LLC

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Location: **370th District Court**
 Judicial Officer: **Gonzalez, Noe**
 Filed on: **05/03/2022**

CASE INFORMATION

Case Type: **Injury or Damage - Motor
 Vehicle (OCA)**

DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number C-1612-22-G
 Court 370th District Court
 Date Assigned 05/03/2022
 Judicial Officer Gonzalez, Noe

PARTY INFORMATION**Plaintiff****Villegas, Juan R.**

Lead Attorneys
SALINAS, DEREK IVAN
Retained
 956-777-7000(W)

Defendant

Gonzalez, Armando
Rolesa Transport, LLC
Transportes Rolesa, SA de CV

DATE**EVENTS & ORDERS OF THE COURT****INDEX**

06/09/2022



Citation Issued

Party: Defendant Gonzalez, Armando; Defendant Transportes Rolesa, SA de
 CV; Defendant Rolesa Transport, LLC

05/18/2022



Cover Letter

PAYING MISSING FEES

05/10/2022

Citation

Gonzalez, Armando
 Unserved
 Anticipated Server: E-Served to Attorney
 Transportes Rolesa, SA de CV
 Unserved
 Anticipated Server: E-Served to Attorney



Rolesa Transport, LLC
 Served: 08/10/2022
 Anticipated Server: E-Served to Attorney
 Actual Server: E-Served to Attorney
 Return Date/Time: 08/11/2022

05/03/2022



Original Petition (OCA)

DATE**FINANCIAL INFORMATION****Plaintiff** Villegas, Juan R.

CASE SUMMARY
CASE NO. C-1612-22-G

Total Charges	386.00
Total Payments and Credits	386.00
Balance Due as of 8/17/2022	0.00

Date 8/17/22
I true copy I certify
CAUSA HINOJOSA
Dis. for Clerk Hidalgo County, Texas
By [Signature] Deputy #11

CAUSE NO. C-1612-22-GJUAN R. VILLEGAS
Plaintiff

IN THE DISTRICT COURT

v.

____ JUDICIAL DISTRICT

ARMANDO GONZALEZ,
TRANSPORTES ROLESA, SA DE CV
AND ROLESA TRANSPORT, LLC
Defendants

HIDALGO COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF THE COURT:

NOW COMES JUAN R. VILLEGAS (hereafter referred to as "Plaintiff") complaining of ARMANDO GONZALEZ (hereafter referred to as "Gonzalez"), TRANSPORTES ROLESA, SA DE CV (hereafter referred to as "Transportes") and ROLESA TRANSPORT, LLC (hereafter referred to as "Rolesa") (Gonzalez, Transportes and Rolesa) hereafter collectively referred to as "Defendants") in the above-styled and numbered cause. In support thereof, Plaintiff would respectfully show the Court as follows:

PARTIES

1. Plaintiff JUAN R. VILLEGAS is an individual who resides in Hidalgo County, Texas.
 2. Defendant ARMANDO GONZALEZ whose address is 103 Col Alfonso Reyes, Melchor Ocampo, Nuevo Leon, Mexico 65950 is an individual for which service may be perfected via process through the Secretary of State, State of Texas, P.O. Box 12079, Austin, Texas 78711.
- CITATION IS REQUESTED.

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3. Defendant TRANSPORTES ROLESA, SA DE CV, whose address is Calle Resulo Perales Tejada 300 Sur, Talleres, Cd de Allende, Nuevo Leon, Mexico 67350 is a company doing business in the State of Texas and service of process should be perfected through the Secretary of State, State of Texas, P.O. Box 12079, Austin, Texas 78711. CITATION IS REQUESTED.

4. Defendant ROLESA TRANSPORT, LLC is a company doing business in the State of Texas and service of process should be perfected by serving its registered agent: Ramiro G. Rodriguez, 6197 East Highway 83, Rio Grande City, Texas 78582, or wherever he may be found. CITATION IS REQUESTED.

DISCOVERY LEVEL

5. Plaintiff intends to conduct discovery in this matter under Level 3 of Rule 190 of the Texas Rules of Civil Procedure.

VENUE & JURISDICTION

6. This suit is brought in accordance with the laws of the State of Texas for the recovery of damages which are in excess of the minimal jurisdictional limits of this Court, to which Plaintiff is entitled to receive as compensation for the injuries described below.

7. Venue is proper in Hidalgo County, Texas pursuant to the Texas Civil Practice and Remedies Code Ann §15.002(a)(1)(2) because all or a substantial part of the events giving rise to this claim occurred in McAllen, Hidalgo County, Texas.

8. Accordingly, the Court has jurisdiction over this matter and Venue is proper in Hidalgo County, Texas.

FACTUAL ALLEGATIONS

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9. On November 30, 2021, Plaintiff JUAN R. VILLEGAS was traveling westbound on the center lane of 1400 Block East Expressway 83 in McAllen Hidalgo County, Texas. At the same time, Defendant Gonzalez was traveling westbound on the center lane of 1400 Block East Expressway 83 in McAllen Hidalgo County, Texas, directly behind Plaintiff. The vehicle operated by Defendant Gonzalez was a vehicle owned or leased by Defendant Rolesa and Defendant Transportes. Suddenly, and without warning, Defendant Gonzalez, among other negligent acts, failed to control his speed and violently crashed his vehicle into the rear end of the vehicle occupied by Plaintiff. The collision caused Plaintiff to sustain personal injuries and damages as set forth below. At all times relevant to this suit, Defendant Gonzalez was operating a vehicle owned or leased by Defendant Rolesa and Defendant Transportes and was within the regular course and scope of his employment with Defendant Rolesa and Defendant Transportes.

10. Nothing Plaintiff did, or failed to do, caused the occurrence in question. Rather, it was the negligence of Defendants that proximately and directly caused the occurrence in question and Plaintiff's resulting injuries and damages.

**CAUSE OF ACTION:
NEGLIGENCE OF DEFENDANT ARMANDO GONZALEZ**

11. Plaintiff hereby incorporates the allegations contained in the paragraphs set forth above as if fully set forth herein. Defendant Gonzalez had common-law and statutory duties to use ordinary care in the operation of her vehicle. Defendant Gonzalez was negligent by failing to exercise ordinary care in the operation of a vehicle on the above-described occasion. Such negligence includes, but is not limited to (a) failing to control speed; (b) driving inattentively; (c) failing to drive as a reasonably prudent driver would drive in the same or similar circumstances; (d) failing to keep a proper lookout for Plaintiff's safety, the safety of others, and the safety of himself that would have been maintained by a person of ordinary prudence under the same or

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similar circumstances; (e) failing to timely apply the brakes of her vehicle in order to avoid striking Plaintiff's vehicle as a reasonably prudent driver would under the same or similar circumstances; (f) failing to properly control his vehicle as a reasonably prudent driver would under the same or similar circumstances; (g) failing to timely and safely veer and avoid the collision; (h) failing to maintain a safe distance between his vehicle and Plaintiff's vehicle; and (i) other violations of the Texas Transportation Code. Such negligence by Defendant Gonzalez was the direct and proximate cause of the occurrence in question and the severe bodily injuries of Plaintiff and all Plaintiff's damages resulting therefrom.

**CAUSE OF ACTION:
NEGLIGENCE OF DEFENDANT ROLESА TRANSPORT, LLC AND DEFENDANT
TRANSPORTES ROLESА, SA DE CV**

12. Plaintiff hereby incorporates the allegations contained in the paragraphs set forth above as if fully set forth herein. Defendant Rolesa and Defendant Tranportes are legally responsible to Plaintiff for the negligent conduct of their driver under the legal doctrines of *respondeat superior*, agency and/or ostensible agency because Defendant Gonzalez was at all times material hereto an agent, ostensible agent, servant and/or employee of Defendant Rolesa and Defendant Tranportes and was acting within the regular course and scope of such agency or employment at the time of the collision described above. As a result, thereof, Defendant Rolesa and Defendant Tranportes are liable for all negligence of Defendant Gonzalez.

**CAUSE OF ACTION:
NEGLIGENT HIRING, TRAINING, SUPERVISION AND RETENTION BY
DEFENDANT ROLESА TRANSPORT, LLC AND DEFENDANT TRANSPORTES
ROLESА, SA DE CV**

13. Plaintiff hereby incorporates the allegations contained in the paragraphs set forth above as if fully set forth herein. Defendant Rolesa and Defendant Tranportes are also negligent in

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hiring an incompetent or unfit employee and/or in failing to properly train, instruct, and supervise Defendant Gonzalez. Furthermore, Defendant Rolesa and Defendant Transportes failed to provide the proper training and instruction to Defendant Gonzalez, which would have provided him with the proper skills and knowledge to avoid the collision which forms the basis of this lawsuit. Defendant Rolesa and Defendant Transportes's negligent hiring of and failure to properly instruct and train its driver was a proximate cause of the accident and Plaintiff's resulting injuries and damages.

DAMAGES

14. The actions and conduct of Defendants set forth above are the direct and proximate cause of Plaintiff's injuries.

15. As a direct, proximate, and foreseeable result of Defendants' conduct, Plaintiff suffered injuries and damages including the following:

- (1) Medical, hospital, and pharmaceutical charges and expenses in the past;
- (2) Medical, hospital, and pharmaceutical charges and expenses that, in reasonable medical probability, will be incurred in the future;
- (3) Pain and suffering in the past;
- (4) Pain and suffering that, in reasonable probability, will be suffered in the future;
- (5) Mental anguish in the past;
- (6) Mental anguish that, in reasonable probability, will be suffered in the future;
- (7) Disability and impairment in the past;
- (8) Disability and impairment that, in reasonable probability, will occur in the future;

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(9) The loss and/or reduction of earning and/or earning capacity sustained by the Plaintiff from the date of the occurrence in question up to the time of trial and continuing into the future; and

(10) Physical disfigurement in the past and future.

16. As discussed above, Plaintiff has suffered not only easily quantifiable economic damages, but also other forms of damage such as mental anguish and pain and suffering, which Plaintiff will likely continue to suffer in the future.

17. Damages sought are within the jurisdictional limits of the Court.

REQUEST FOR JURY TRIAL

18. Pursuant to Rule 216 of the Texas Rules of Civil Procedure, Plaintiff requests a trial by jury. A jury fee is being paid along with the filing fees simultaneously with the filing of Plaintiff's Original Petition.

STATEMENT PURSUANT TO T.R.C.P. 47

19. The amount of Plaintiff's damages is substantial and well in excess of the jurisdictional minimums of this Court. Many elements of damage, including pain, suffering and mental anguish in the past and future, past and future impairment, and future lost earning capacity, cannot be determined with mathematical precision. The determination of many of these elements of damages is particularly within the province of the jury. Plaintiff does not at this time seek any certain amount of damages for any of these particular elements of damage but would instead rely upon the collective wisdom of the jury to determine an amount that would fairly and reasonably compensate each. However, pursuant to Texas Rule of Civil Procedure 47, Plaintiff specifies and pleads to the Court only that he seeking is over \$1,000,000.00.

MISNOMER/ALTER EGO

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20. In the event any parties are misnamed or are not included herein, it is Plaintiff's contention that such was a "misidentification", "misnomer" and/or such parties are/were "alter egos" of parties named herein. Alternatively, Plaintiff contends that such "corporate veils" should be pierced to hold such parties properly included in the interest of justice.

PRAYER

21. WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be cited to appear and answer and that, upon final trial hereof, Plaintiff have judgment against Defendants, that Plaintiff recover damages in accordance with the evidence, that Plaintiff recover costs of Court herein expended, that Plaintiff recover interest, both pre- and post-judgment, to which Plaintiff is entitled under the law, and for such other and further relief, both general and special, legal and equitable, to which Plaintiff may be justly entitled.

Respectfully submitted,

TIJERINA LEGAL GROUP, P.C.

1200 South Colonel Rowe Blvd. Suite 4A

McAllen, Texas 78501

Telephone No. (956) 777-7000

Facsimile No. (956) 972-0144

Litigation Email: TijerinaLit@tlegalgroup.com

BY: 

HUMBERTO TIJERINA, III

State Bar No. 24028040

CESAR PALMA

State Bar No. 24094884

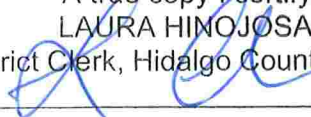
DEREK I. SALINAS

State Bar No. 24093098

GERARDO L. GARCIA, JR.

State Bar No. 24123059

ATTORNEYS FOR PLAINTIFF

Date 8/17/22
A true copy I certify
LAURA HINOJOSA
District Clerk, Hidalgo County, Texas
By  Deputy #11



May 18, 2022

VIA ELECTRONIC FILING

332nd District Clerk
Hidalgo County Courthouse
100 N. Closner
Edinburg, Texas 78539

RE: Cause No. C-1612-22-G; Juan R. Villegas v. Armando Gonzalez, Transportes Rolesa, SA de CV and Rolesa Transport, LLC; In the 332nd Judicial District Court of Hidalgo County, Texas

To the Clerk of the Court:

This cover letter is in reference to the cause number above. We inadvertently forgot to pay for the extra fees for the Secretary of State. In this e-filing, we are paying the \$12.00 fees associated with the costs to cover the Secretary of State.

Thank you for your assistance on this matter.

Sincerely,
TIJERINA LEGAL GROUP, P.C.

Angie Ramirez, Paralegal
For the Firm

Date 8/17/22
A true copy I certify
LAURA HINOJOSA
District Clerk, Hidalgo County, Texas
By [Signature] Deputy #11

C-1612-22-G
370TH DISTRICT COURT, HIDALGO COUNTY, TEXAS

CITATION
THE STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

ROLESIA TRANSPORT, LLC
R/A RAMIRO G. RODRIGUEZ
6197 EAST HIGHWAY 83
RIO GRANDE CITY, TEXAS 78582

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable Noe Gonzalez, 370th District Court** of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on this the 3rd day of May, 2022 and a copy of same accompanies this citation. The file number and style of said suit being C-1612-22-G, **JUAN R. VILLEGAS VS. ARMANDO GONZALEZ, TRANSPORTES ROLESIA, SA DE CV, ROLESIA TRANSPORT, LLC**

Said Petition was filed in said court by Attorney **DEREK IVAN SALINAS, 1200 SOUTH COLONEL ROWE BLVD SUITE 4A, MCALLEN, TX 78501.**

The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 9th day of June, 2022.

LAURA HINOJOSA, DISTRICT CLERK
100 N. CLOSNER, EDINBURG, TEXAS
HIDALGO COUNTY, TEXAS

JOSE LUIS LANDA, DEPUTY CLERK

Date 8/11/22

A true copy I certify

LAURA HINOJOSA

District Clerk, Hidalgo County, Texas

by [Signature] Deputy #11

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OFFICER'S RETURN

Came to hand on 10th of August, 2022 at 9:54 o'clock A.m. and executed in Starr County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the Plaintiff's Original Petition (petition) at the following times and places, to-wit:

NAME	DATE	TIME	PLACE
<u>Rolesa Transport, LLC</u> <u>R/A Ramiro G. Rodriguez</u> <u>served to Zabaday Herrera,</u> <u>clerk.</u>	<u>08/10/2022</u>	<u>3:15pm</u>	<u>Rolesa Transport, LLC</u> <u>6197 East Highway 83.</u> <u>Rio Grande City TX 78582</u>

And not executed as to the defendant, _____ the diligence used in finding said defendant, being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of said defendant, being: _____. I actually and necessarily traveled _____ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ _____
miles\$ _____

DEPUTY**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**

In accordance to Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is Esmeralda Garza, my date of birth is 04/15/83 and the address is 300 W. Canales Bros St. Rio Grande City, TX 78582, and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in Starr County, State of Texas, on the 10th day of August, 2022.

Esmeralda Garza
Declarant

5/31/23 PSC-11996

If Certified by the Supreme Court of Texas
Date of Expiration / PSC Number

Esmeralda Garza
Process Server
PSC-11996
Exp. 05/31/23